

REMARKS

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Summary of Telephone Interview

Applicants wish to thank the Examiner for the helpful discussion with Applicants' representative on July 7, 2009. During this discussion, Applicants' representative noted that claims 6-8 are not included in the prior art rejections. The Examiner confirmed that amending claim 1 to incorporate the limitations of claim 6 should overcome the prior art rejections. As discussed in detail below, Applicants have heeded the Examiner's advice in this regard.

Claim Amendments

Claim 1 has been amended to incorporate the limitation of claim 6, as a result of which claim 6 has been cancelled, without prejudice or disclaimer.

Claims 1 and 3 have also been amended to remove the term "nonionic".

Claim 7 has been rewritten in independent form.

New claims 12-14 correspond to claims 9-11, but depend upon independent claim 7.

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 1 and 6-11 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite.

In item 6 on page 3 of the Office Action, the Examiner indicates that claim 1 recites "segment of said hydrophilic polymer chain", and it is not clear what segment Applicants intend. This rejection has been rendered moot by the incorporation of non-rejected claim 6 into claim 1.

In item 7 on page 3 of the Office Action, the Examiner indicates that claim 6 provides a compound of formula (M) for "hydrophilic polymer". The Examiner asserts that it is unclear whether the formula represents the "non-ionic hydrophilic polymer" or the "segment of hydrophilic polymer". In this regard, Applicants note that claim 1 (which now incorporates the limitations of claim 6) clearly indicates that the "hydrophilic polymer chain in the polymer-based

fine particles is **formed from** a poly(ethylene glycol) macro monomer having formula (M)".

Thus, Applicants respectfully assert that the claim language is definite.

Additionally, the Examiner indicates that X of the formula (M) can be -COOH , which can ionized to -COO^- , and thus is not non-ionic. This portion of the rejection has been rendered moot by the deletion of the term "non-ionic".

In item 8 on page 3 of the Office Action, the Examiner indicates that claims 7 and 8 are confusing as to the composition of the core. As discussed above, claim 7 has been rewritten in independent format. Applicants respectfully assert that the composition of the core is clear from the recited claim language.

For the reasons discussed above, it respectfully that the rejection under 35 U.S.C. § 112, second paragraph be withdrawn.

Patentability Arguments

The patentability of the present invention over the disclosures of the references relied upon by the Examiner in rejecting the claims will be apparent upon consideration of the following remarks.

Rejections Under 35 U.S.C. § 103(a)

Claims 1, 9, 10 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sommer et al. (U.S. Patent No. 5,750,411).

This rejection has been rendered moot by the incorporation of non-rejected claim 6 into independent claim 1.

Claims 1, 9, 10 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Steenwinkel et al. (U.S. Patent No. 4,362,531) in view of Stout (U.S. Patent No. 5,981,296).

This rejection has been rendered moot by the incorporation of non-rejected claim 6 into independent claim 1.

Accordingly, it is respectfully requested that each of the above-rejections be withdrawn.

Conclusion

In view of the foregoing amendments and remarks, it is submitted that each of the grounds of rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

Yukio NAGASAKI et al.

/Amy E. Schmid/

By 2009.11.23 15:43:18 -05'00'

Amy E. Schmid
Registration No. 55,965
Attorney for Applicants

AES/emj
Washington, D.C. 20005-1503
Telephone (202) 721-8200
Facsimile (202) 721-8250
November 23, 2009